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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,323	03/09/2004	Hirofaka Matsumura	82478-5600	4275
21611 7590 08/20/2008 SNELL & WILMER LLP (OC) 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626				
EXAMINER				
TAKLE, MESEKER				
ART UNIT		PAPER NUMBER		
2175				
MAIL DATE		DELIVERY MODE		
08/20/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/797,323

**Applicant(s)**

MATSUMURA ET AL.

**Examiner**

MESEKER TAKELE

**Art Unit**

2175

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-10, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is responsive to the Amendment filed 05/23/2008.
2. Claims 1-3 and 6-10, are pending in this application. Claims 1 and 3 are independent claims. In the instant Amendment, claims 1-3 and 6-10 were amended, and claims 4-5 and 11-13 were cancelled. In the instant amendment, claims 14 and 15 are added new. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osuga Hideo (JP Pub. No.: 2002-007887) in view of Fushimi et al. (US Pub No.: 20040148232).

As to claim 1, Osuga discloses an inquiry processing apparatus comprising: a first providing unit configured to provide hierarchically arranged web pages to a browser terminal via a network, the web pages including an inquiry page for entering an inquiry and content pages ( paragraph [0001], [0009] - [0018], claim 1 and 2) .

a recording unit configured to record therein a history of the provision of content pages to the browser terminal, the history including provided-page information indicating content pages having been provided to the browser terminal and provided-level

Art Unit: 2175

information indicating a hierarchical level of each of the provided content pages (paragraph [0009] - [0019], claim 1 and 2).

a receiving unit configured to receive an inquiry entered into the inquiry page via the browser terminal (paragraph [0001] and [0010]).

a judging unit configured to judge when the inquiry is received, whether any content page of a lowest hierarchical level has been provided to the browser terminal, based on the provided-page information and the provided-level information included in the history of the provision of content pages (paragraph [0010], [0023] and [0025]).

a second providing unit configured to provide a page containing the received inquiry and a result of the judgment to a responder terminal used by a responder for responding to the inquiry, the responder terminal being different from the browser terminal (paragraph [0008], [0010], [0022] - [0026] and [0098]).

However Osuga does not explicitly disclose a judging unit configured to judge, Fushimi from the same field of endeavor disclose a judging unit configured to judge, (example, such as, Upon receiving the catalog data, the catalog aggregator 3 judges the catalog provider who provided this catalog data (step S107), judging whether selected product catalog can be provided or not, see paragraph [0115] and Figure 12 (element S189))

It would have been obvious to one ordinary skill in the art to have modified Osuga's processing inquiry at the time of the invention was made with judging as presented by Fushimi.

The motivation to combine to provide an electronic catalog aggregation apparatus capable of providing credit information of trade participants including a product provider and a product purchaser in relation to the catalog information such that a creditability of each trade participant can be judged efficiently and quickly, so as to realize a safe electronic commerce system.

As to claim 2, Osuga discloses the inquiry processing apparatus further comprising: a checking unit configured to check, each time a content page is provided to the browser terminal content page is of the lowest hierarchical level, wherein the recording unit is configured to record a result of the checking as the history (paragraph [0001]- [0010]).

Claim 3 is similar in scope to claim 1, and is therefore rejected under similar rationale. However Osuga does not disclose electronic catalog. Fushimi from the same field of endeavor disclose electronic catalog (example, such as electronic catalog aggregation apparatus, see abstract).

It would have been obvious to one ordinary skill in the art to have modified Hirayama's processing inquiry at the time of the invention was made with electronic catalog aggregation apparatus as presented by Fushimi.

The motivation to combine to provide an electronic catalog aggregation apparatus capable of eliminating the catalog extraction, editing and delivery operations required for the catalog provider with respect to each catalog user and the catalog receiving and

Art Unit: 2175

accounting operations required for the catalog user with respect to each catalog provider, so as to realize a fast and efficient electronic catalog system.

As to claim 6, Fushimi discloses wherein the judging unit is configured to provide a negative judgment if no content page of the lowest hierarchical level has been provided to the browser terminal (such as, negative judgment such as whether the catalog provider or the catalog user satisfies an examination condition or not is judged, examination (OK/NG), see paragraph [0112] and Figure 5(element S47)).

As to claim 7, Fushimi discloses wherein the judging unit is configured to provide a positive judgment if at least one content page of the lowest hierarchical level has been provided to the browser terminal (such as, positive judgment such as whether the catalog provider or the catalog user satisfies an examination condition or not is judged, examination (OK/NG), see paragraph [0112] and Figure 5(element S47)).

As to claim 8, Osuga discloses wherein the responder terminal is configured to display the result of the judgment (paragraph [0010], [0030] and [0038]).

As to claim 9, Osuga discloses further comprising a database configured to store the result of the judgment (paragraph [0009], [0017] and [0018]).

As to claim 10, Osuga discloses wherein the responder terminal is configured to display the history of the provision of content pages to the browser terminal (paragraph [0038] – [0049] and [0065]).

Claim 14 is similar in scope to claim 1, and is therefore rejected under similar rationale.

As to claim 15, Osuga discloses further comprising: means for selecting an inquiry page to provide to the browser terminal from a plurality of inquiry pages based on the history of the provision of content pages to the browser terminal (paragraph [0010], [0023] and [0025]).

### ***Response to Arguments***

5. Applicant's arguments with respect to the amended claims 1, 11 and 21 have been fully considered but they are not persuasive.

Applicant argues that: (a) Osuga does not disclose a recording unit or any means of recording a user's browsing history.

(b) Osuga does not disclose a recording unit configured to record a history of the provision of content pages indicating "a hierarchical level of each of the provided content pages."

(c) Osuga fails to disclose "a judging unit configured to judge".

The Examiner disagrees for the following reasons.

Art Unit: 2175

Per (a), Osuga discloses a recording unit or any means of recording a user's browsing history (paragraph [0009] - [0019], claim 1 and 2).

Per (b), Osuga discloses a recording unit configured to record a history of the provision of content pages indicating "a hierarchical level of each of the provided content pages" (paragraph [0009] - [0019], claim 1 and 2).

(c) Osuga discloses "a judging unit configured to judge" (paragraph [0010], [0023] and [0025]).

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Art Unit: 2175

*Inquires*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESEKER TAKELE whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM-5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./  
Examiner, Art Unit 2175

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175